

Patent
Attorney Docket: 5733 CON2
(formerly 269/205)

REMARKS

Reconsideration of the rejections set forth in the Office Action mailed August 11, 2004, is respectfully requested. Claim 1 has been amended. Claims 1-14 remain pending.

35 U.S.C. § 112

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the examiner has stated that "the filter" in claim 1, line 8, lacks insufficient antecedent basis. Claim 1 has been amended to recite "the filter membrane." Therefore, applicants respectfully request withdrawal of the rejection and reconsideration of the claim as amended.

Art Rejections

Claims 1-10 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Yadav et al. (U.S. Patent No. 6,391,044). Claims 11-14 are rejected under 35 U.S.C. § 103(a) as being as being allegedly unpatentable over Yadav et al.

Applicants respectfully assert that Yadav et al. does not teach or suggest a filter system wherein the free end of the filter membrane "*has a generally scalloped shape*," as required by both independent claims 1 and 6. As seen in Figs. 14, 15, and 21, the free end portions of the depicted filters do not have a generally scalloped shape.

Claims 1 and 6 are therefore patentably distinct from the cited art. Claims 2-5 and 7-14 are dependent on claims 1 and 6, respectively, and are therefore patentably distinct from the cited art for

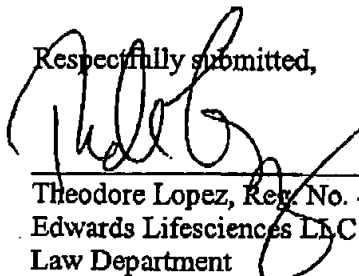
Patent
Attorney Docket: 5733 CON2
(formerly 269/205)

the same reasons applicable to claims 1 and 6. Therefore, applicants respectfully request withdrawal of the rejections and reconsideration of the claims as amended.

For all the foregoing reasons, Applicants assert the claims are in condition for allowance. Favorable action on the merits of the claims is therefore earnestly solicited. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 50-1225.

Respectfully submitted,

Date: November 9, 2004



Theodore Lopez, Reg. No. 44,881
Edwards Lifesciences LLC
Law Department
One Edwards Way
Irvine, California 92614
Telephone: (949) 250-6856
Facsimile: (949) 250-6850
Customer No. 30452